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6 Attorney for Movant
Sterling, Inc., dba Kay Jewelers

7
8 **UNITED STATES BANKRUPTCY COURT**
Southern District of California

9 In re

10 Elena A. Loucks,

11 Debtor(s).

12 Case No. 10-16798-LT13

13 CHAPTER 13

14 Hon. Laura S. Taylor

15 **OBJECTION TO CONFIRMATION OF**
CHAPTER 13 PLAN

16 Hearing
Date: February 23, 2011
Time: 2:00 p.m.

17
18 Now comes Creditor, Sterling, Inc., dba Kay Jewelers, its successors and/or assigns
19 (“Objecting Creditor”) by and through its attorneys of record and hereby respectfully submits
20 the following objections to the confirmation of Debtor’s proposed Chapter 13 plan and will
21 respectfully show the Court as follows:

- 22
23 1. On September 22, 2010, Debtor filed a voluntary Chapter 13 bankruptcy case.
- 24 2. Debtor entered into a Security Agreement (“Contract”) with Sterling, Inc., dba
25 Kay Jewelers to purchase Miscellaneous Jewelry (“Property”) on August 9, 2010.
- 26 3. To secured repayment of this indebtedness, the Debtor granted to Sterling, Inc.,
27 dba Kay Jewelers a purchase money security interest in the Property.

4. Debtor defaulted under the terms of the Contract by failing to remit the amount due and owing and payable to Sterling under the Contract.

5. Objecting Creditor is uncertain of the location of the Property and requests that the Debtor provides its present location.

6. The total amount due and owing to Objecting Creditor as of the filing of the bankruptcy is \$7,486.03, excluding attorneys' fees and costs.

Objections:

1. In the Debtor's proposed Plan, Debtor has failed to property list Objecting Creditor in the Plan as a secured creditor and has failed to provide for monthly post-petition payments. A copy of the Debtor's proposed Plan is attached hereto as Exhibit "A".

WHEREFORE, Sterling, Inc., dba Kay Jewelers respectfully requests the following:

1. That confirmation of the Debtor's proposed plan be denied under 11 U.S.C. § 1325(a)(5) for the reasons stated above; or

2. That the case be dismissed with prejudice.

Weltman, Weinberg & Reis Co., L.P.A.

Dated: November 4, 2010

/s/ Raymond F. Moats, III

RAYMOND F. MOATS, III, ESQ.
Attorney for Movant,
Sterling, Inc., dba Kay Jewelers